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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002424

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SUBJECT: JUDICIARY ISSUES ARREST WARRANT FOR PROMINENT
ANTI-CORRUPTION OFFICIAL

Classified By: ACCO Joseph Stafford, reason 1.4 (b and d)

SUMMARY

1. (C) The Iraqi High Tribunal (IHT) has issued a warrant for the arrest of a leading anti-corruption official, Board of Supreme Audit (BSA) head Abdel Basit Turki, widely respected as upright and competent. The warrant is based on alleged wrongdoing by Abdel Basit while serving the Saddam regime. To our knowledge, the warrant has yet to be executed and Abdel Basit has denied any wrongdoing. The IHT's move may represent a retaliatory move, given the BSA's previous investigation of corruption at the IHT. END SUMMARY

ISSUANCE OF ARREST WARRANT

2. (U) On September 7, the Iraqi High Tribunal's Judge Ali Rubaie announced the issuance of a warrant for the arrest of a leading anti-corruption official, Dr. Abdel Basit Turki, head of Iraq's Board of Supreme Audit, an independent agency -- with similar functions to our GAO -- responsible for auditing the financial records of all GOI institutions. (NOTE: Judge Rubaie also announced the issuance of a warrant for the arrest of Iraq's Ambassador to Jordan, Sa'ad Al Hayni, on separate charges. END NOTE) In his statement, Judge Rubaie said Abdel Basit was charged with "wasting national wealth" during his stint as a senior GOI official in Saddam Hussein's regime.

3. (C) In a conversation with Rule of Law (ROL) officer, Judge Rubaie stated that the arrest warrant was based on Article 14 of the IHT statute, which gives it jurisdiction over crimes involving "wasting and squandering national resources." In Abdel Basit's case, Judge Rubaie explained, there were "documents and evidence" implicating him in the transfer of billions of dollars in cash out of Iraq just prior to Saddam's removal. Asked when the warrant would be executed, Judge Rubaie replied that that responsibility fell to others, i.e. the Interior Ministry. (COMMENT: To our knowledge, as of the morning of September 9, the warrant had yet to be executed. END COMMENT)

4. (C) The issuance of the arrest warrant was unexpected, given Abdel Basit's reputation as a dedicated, apolitical, and competent public servant. (COMMENT: He also comes across as an ardent nationalist, often critical of the USG reconstruction effort in Iraq for its perceived failure to consult adequately with the Iraqi side. He eschews attendance at Embassy representational events. END COMMENT) In a separate conversation with ROL officer, IHT President Arif indicated that he himself had been taken by surprise by Judge Rubaie's move, expressing regret that the latter had not advised him in advance. Judge Arif added that Prime Minister Nouri Al-Maliki, on learning of the arrest warrant, had contacted him, inquiring as to the basis for its issuance.

DENIAL OF CHARGES

5 (C) Abdel Basit wasted no time in denying any wrongdoing, telling the media the issuance of the warrant was utterly without foundation and that he would continue to perform his duties as BSA head. He went on to suggest that issuance of the arrest warrant was simply a retaliatory move, stating that BSA officials, at the Prime Minister's request, had investigated "financial and administrative problems," i.e., possible corrupt practices, at the IHT and that there had been "friction" between the IHT and the BSA investigatory committee headed by Abdel Basit. (COMMENT: ROL officer obtained a copy of a report by the BSA on its 2008 investigation of the IHT; according to the report, the BSA found evidence of corruption and other abuses by IHT personnel. END COMMENT) A BSA staffer told us September 8 Qpersonnel. END COMMENT) A BSA staffer told us September 8 that authorities had yet to inform Abdel Basit of the arrest warrant and had made no move to pick him up. Our source indicated that Abdel Basit was continuing his normal work. The staffer added that an unpublicized arrest warrant had previously been issued against him, but that authorities had subsequently dismissed it as without foundation.

COMMENT

16. (C) It remains to be seen whether Abdel Basit will be taken into custody. That the Prime Minister himself, according to the IHT President, has inquired into the matter underscores the BSA head's prominent standing within the GOI leadership. If in fact the IHT's action against Abdel Basit

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represents little more than a personal vendetta, it underscores a key weakness of Iraq's emerging anti-corruption regime: corrupt officials' resort to retaliatory moves to deflect allegations of wrongdoing -- a practice that our contacts agree is all too common. Vendetta or no, the considerable publicity generated by the action against Abdel Basit could well end up damaging his credibility. END COMMENT.
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